

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. § 103. The Applicants submit a declaration under 37 C.F.R. § 1.131 as a submission under 37 C.F.R. § 1.114. The declaration provides signatures of those inventors the Applicants' representative is currently able to obtain. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1-5, 7-14 AND 16-18 UNDER 35 U.S.C. § 103

A. Claims 1-5, 7, 9-14, 16 and 18

The Examiner has rejected claims 1-5, 7, 9-14, 16 and 18 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Lemley, et al. (U.S. Patent Publication 2002/0064152, published on May 30, 2002, hereinafter referred to as "Lemley") in view of Blum et al. (U.S. Patent Publication 2003/0048772, Published on March 13, 2003, hereinafter referred to as "Blum"). Applicants respectfully traverse the rejection.

The Applicants herein file a declaration under 37 C.F.R. § 1.131 to swear behind Lemley and Blum. As noted in the declaration, the Applicants submit that the present invention was conceived of prior to November 28, 2000 and filed with due diligence from prior to November 28, 2000 to filing of the present application on September 28, 2001. Lemley has an earliest priority date of November 28, 2000 and Blum has an earliest priority date of August 29, 2001. Therefore, the Applicants respectfully submit that neither Lemley nor Blum is a proper reference against the Applicants' invention in view of present declaration filed under 37 C.F.R. § 1.131. As such, Applicants submit that independent claims 1-5, 7, 9-14, 16 and 18 are patentable over Lemley and Blum and request the rejection be withdrawn.

B. Claims 8 and 17

The Examiner has rejected claims 8 and 17 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Lemley in view of Blum and in further view of Admitted Prior Art. Applicants respectfully traverse the rejection.

As discussed above, both Lemley and Blum are not proper references against the Applicants' invention. As such, Applicants submit that independent claims 1 and 10 are patentable over Lemley, Blum and the alleged Admitted Prior Art.


Dependent claims 8 and 17 depend from claims 1 and 10, and recite additional limitation, respectively. As such, and for the exact same reason set forth above, the Applicants submit that claims 8 and 17 are also not made obvious by the teachings of Lemley, Blum and the alleged Admitted Prior Art. Therefore, the Applicants submit that claims 8 and 17, as they now stand, fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

CONCLUSION

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. § 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly requested.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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